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August 3, 2016

Robert L. Walker  
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Jeff S. Jordan  
Assistant General Counsel  
Federal Election Commission  
999 E Street, NW  
Washington, DC 20463

Re: MUR 7079

Dear Mr. Jordan:

I represent Kurt Fakier, former Treasurer of Sangisetty for Congress, LLC, a now-defunct political committee that operated during the 2010 election cycle.<sup>1</sup> On July 22, 2016, Mr. Fakier received a letter from the Federal Election Commission notifying him that a complaint was filed with the Commission that he, in his official capacity as treasurer of Sangisetty for Congress, and Sangisetty for Congress may have violated the Federal Election Campaign Act of 1971, as amended ("FECA").<sup>2</sup> Attached please find Mr. Fakier's Designation of Counsel for MUR 7079.

I ask that the Commission dismiss this matter with respect to Mr. Fakier. The complaint submitted by the Foundation for Accountability and Civic Trust does not state a violation of FECA and, moreover, concerns conduct that occurred outside the applicable statute of limitations period. The complaint primarily concerns conduct by Rep. Ami Bera, his family, his campaign committee, and his campaign committee's treasurer. While the complaint does not allege that Mr. Fakier committed any violations of FECA, it names Sangisetty for Congress as a recipient of unlawful contributions. The complaint alleges that the Bera family helped the Sangisetty family "extend" their contributions to Sangisetty for Congress by agreeing to contribute to Sangisetty for Congress in exchange for contributions from the Sangisetty family to Bera for Congress.

<sup>1</sup> This response is submitted on behalf of Kurt Fakier in his official capacity as former treasurer of Sangisetty for Congress. This is not a response on behalf of Sangisetty for Congress, LLC.

<sup>2</sup> The FEC's letter to Mr. Fakier had a post-mark of July 15, 2016 on the envelope. By telephone message on August 2, 2016, the FEC's Office of Complaints Examination and Legal Administration confirmed with counsel for Mr. Fakier that a response from Mr. Fakier to the FEC submitted within 15 days of his receipt of the FEC's letter on July 22, 2016 would be considered timely.

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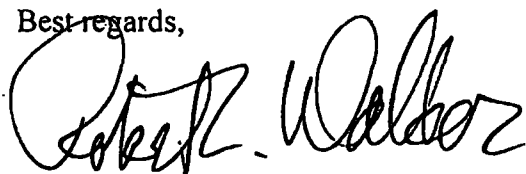
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The complaint does not state any violation of FECA with respect to Mr. Fakier. The complaint alleges that the Sangisetty family contributed to Bera for Congress in exchange for contributions from the Bera family to Sangisetty for Congress. This alleged conduct, the complaint maintains, resulted in unlawful contributions in the name of another. Leaving aside that the complaint does not allege that Mr. Fakier or Sangisetty for Congress "knowingly" accepted contributions made in the name of another, see 52 U.S.C. § 30122, the underlying conduct alleged in the complaint would not be a violation of law. For there to be a contribution in the name of another, the true source of the contribution must use a "pass-through" entity or "straw donor." See, e.g., MUR 6143. The complaint simply does not describe the use of any "pass-through" or conduit. There is no authority for the proposition that donors agreeing to support each other's preferred candidates' campaigns constitute contributions in the name of another.

Moreover, this matter should be dismissed with respect to Mr. Fakier because the allegedly unlawful conduct occurred outside the five-year statute of limitations period. See 28 U.S.C. § 2462. According to public records, the contributions from the Bera family to Sangisetty for Congress occurred over six years ago, on March 29 and 30, 2010. Indeed, Sangisetty for Congress's last filing with the Commission occurred over five years ago when it filed an Amended Termination Report on January 27, 2011. The Commission approved the termination of Sangisetty for Congress by letter dated February 3, 2011. Thus, any action the Commission could take with respect to Mr. Fakier is time-barred.

For the reasons stated above, I request that the Commission dismiss this matter with respect to Mr. Fakier.

Best regards,



Robert L. Walker



FEDERAL ELECTION COMMISSION  
999 E Street, NW  
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL  
Please use **one** form for each Respondent/Entity/Treasurer  
FAX (202) 219-3923

MUR # 7079

NAME OF COUNSEL: Robert L. Walker

FIRM: Wiley Rein LLP

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The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

8/3/16  
Date

[Signature]  
Respondent/Agent -Signature

Treasurer, Sangisetty for Congress  
Title(Treasurer/Candidate/Owner)

RESPONDENT: Kurt Fakier  
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: \_\_\_\_\_  
(Please Print)

Houma, LA 70360

TELEPHONE- HOME ( \_\_\_\_\_ )

BUSINESS ( 985 ) 879-4351

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation

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